

FLORIDA HIGHWAY PATROL

POLICY MANUAL



SUBJECT INVESTIGATIVE RESPONSIBILITIES	POLICY NUMBER 22.01
	ISSUE DATE 02/01/96
APPLICABLE CALEA STANDARDS 41.2.4, 42.1.2, 42.1.4, 42.2.2	REVISION DATE 05/01/09
	TOTAL PAGES 6

22.01.01 PURPOSE

To define and delegate investigative responsibilities to the operating components of the Florida Highway Patrol in order to promote mutual cooperation and coordination, and to avoid duplication of efforts within the Department.

22.01.01 POLICY

It is the policy of the Florida Highway Patrol to adopt procedures which will ensure the effective and efficient detection, apprehension and prosecution of those persons who violate federal, state and local laws.

22.01.03 DEFINITIONS

The following definitions are applicable to this directive:

- A. **MAJOR OFFENSE** - A real or suspected crime of such severity that it creates, or seems likely to create, an intense public demand for identification, apprehension and prosecution of the offender; a crime which necessitates a substantial commitment of resources for a prolonged period of time; or a crime which requires the application of complex or unusual investigative techniques.

Examples of offenses and investigations included within these parameters are:

1. Death investigations, including traffic homicides.
2. Sexual assaults or other sex related offenses.
3. Bank robberies, home invasions and armed robberies.
4. Sophisticated burglaries - safe jobs, alarm circumventions, etc.
5. Arsons.
6. Financially based crime, i.e., bank fraud, forgeries.
7. Investigations involving trafficking in controlled substances.

8. Organized criminal activities/offenses.
9. Kidnappings.
10. Investigative activities initiated to preserve the integrity of the Division.

B. PRELIMINARY INVESTIGATION - The activities undertaken by a member(s) who responds to the scene of a crime, include:

1. Responding to immediate needs - rendering aid to the injured, noting such facts as the position of victims or injured subjects, spontaneous statements, unusual actions or activities; notifying headquarters with an assessment of the scene.
2. Determining that a crime has been committed.
3. Initiating enforcement action - arresting or pursuing the offender (if applicable) and/or dispatching apprehension information.
4. Securing the crime scene and protecting evidence - limiting access, identifying and isolating witnesses, and protecting all evidence, especially short-lived evidence (impressions in sand or mud, etc.).
5. Determining the need for investigative specialists and arranging for their notification, including:
 - a. Traffic Homicide Investigations.
 - b. Representatives of the Bureau of Investigations.
 - c. Crime Scene Technicians.
 - d. Personnel from county/municipal/state/federal law enforcement agencies.

Once specialists are requested, the scene must be preserved intact to the maximum extent possible until such personnel arrive and assume responsibility for the scene.

6. Initiating an investigation - arranging for collection and preservation of evidence, photography, crime scene sketches and interviewing of witnesses, victim(s) and suspect(s). Normally, preliminary investigations should be pursued to the point where a temporary discontinuance of the process would not hamper or jeopardize the outcome of the case.
7. Compiling a thorough and accurate report of activities - data recorded should be sufficient to:
 - a. Identify evidence and stolen/recovered property, witnesses and elements of offenses. The accompanying narrative must also reflect the extent of officer involvement and

identify other law enforcement personnel involved in the activity or investigation.

- b. Facilitate determination of whether or not a follow-up investigation should be undertaken.
- c. Sustain effective prosecution (if applicable).
- d. Protect the integrity of the agency.

C. **COMPREHENSIVE INVESTIGATION** - Activities undertaken by an officer(s) facilitating the identification and apprehension of a criminal offender and maximizing the probability of successful prosecution. Thus, while the definition incorporates many of the elements of a preliminary investigation, it also includes compilation of all investigative reports, statements, items of evidence, data prepared by forensic scientists and other material needed for effective prosecution.

D. **FUNCTIONAL AUTHORITY** - Assuming the responsibility to direct the efforts of other officers and technicians who are engaged in an investigation, including those present at a crime scene, in order to facilitate timely and efficient case processing and to assure collection and preservation of all items of evidence.

22.01.04 OBJECTIVES

- A. To implement and maintain standards that promotes efficient use of personnel.
- B. To establish procedures that will result in the identification of perpetrators and originators of crime and organized criminal activity, their arrest and their successful prosecution.
- C. To develop and use effective investigative techniques, and efficient and reliable methods of evidence collection and preservation.
- D. To initiate appropriate involvement and enforcement activity for cases which are brought to the attention of Division members.
- E. To promote coordination, cooperation and the maintenance of harmonious relations between the operating components of the Division and between the Division and other law enforcement agencies.

22.01.05 RESPONSIBILITIES

- A. All members of the Florida Highway Patrol will:
 - 1. Recognize the Division's responsibility and obligation for the prevention and suppression of criminal activities, as outlined in Section 321.05, Florida Statutes.
 - 2. Be alert for criminal activity within the area of their assignment. Cooperate fully in criminal investigations and intelligence

operations as they pertain to the performance of assigned duties and responsibilities.

3. Recognize that nothing stated herein relieves any member of the Division from the specific responsibility for taking immediate, positive, enforcement action in each situation which comes to their attention where laws relating to criminal activity are being violated. However, when the circumstances existing at the scene of the incident/offense are such as to require the application of specialized investigative techniques or when the demands placed upon the responding member clearly exceed the scope of the investigative authority delegated to him/her, the member will immediately initiate appropriate notification procedures, as listed herein.
- B. Uniformed members of the Division who encounter or respond to the scene of alleged criminal activity will:
1. Render first aid and obtain medical assistance for the injured if required, and remain alert for spontaneous statements and dying declarations.
 2. Conduct preliminary investigations concerning offenses referred to or within the jurisdiction of the Department.
 3. With supervisory approval, conduct comprehensive investigations for crimes not defined as major offenses in those instances in which intervention by any investigative component has not been requested.
 - a. In attempting to determine whether additional investigative effort is warranted, members/supervisors shall consider whether or not any of the following information factors are available:
 - (1) Has a reliable witness to the incident been located?
 - (2) Is the suspect known or can he/she be identified?
 - (3) Has an identifiable description of the suspect/vehicle been obtained?
 - (4) Was any physical evidence recovered?
 - (5) Will recovered evidence tie the suspect/vehicle to the incident under investigation?
 - b. If a negative response is obtained to each of the questions referenced in Section "a" immediately above, further investigative effort will not in all likelihood be successful. Consequently, unless contrary instructions are received from supervisory personnel, the member shall advise the victim:

- (1) That the investigation has been concluded and that information leading to the identification of the offender has not been developed.
 - (2) That further investigative effort is not likely to be productive and the case will be closed.
 - (3) That if further information is developed, the case will be reopened and the victim will be advised of the outcome.
 - c. Follow-up reports on all open investigations shall be submitted at 30 day intervals.
- 4. Upon the discovery of any major offense or in compliance with instructions provided by supervisory personnel:
 - a. Protect the scene and identify/detain witnesses.
 - b. Arrange to have a crime scene technician dispatched to the scene.
 - c. In accordance with existing arrangements established at the district/troop level, obtain immediate assistance from investigative specialists assigned to:
 - (1) The Bureau of Investigations.
 - (2) The Traffic Homicide Component.
 - (3) Federal, state, county or municipal law enforcement agencies.

<p>NOTE: No portion of this provision shall be construed to limit a member's discretion to request technical or investigative assistance, when in the judgment of the member present at the scene, such intervention is warranted.</p>

- 5. Be responsible for preservation of the scene and functional authority over that scene until the member is relieved. The first member is relieved of that functional authority after certain criteria are met.
 - a. Supervisor/investigative specialist arrives on the scene;
and
 - b. Supervisor/investigative specialist has been thoroughly briefed as to the situation and what has been done; **and**

- c. Supervisor/investigative specialist clearly advises the member he/she is aware of the facts and is assuming responsibility for the crime scene.
 - 6. Support statewide criminal activity analysis by providing copies of investigative reports pertaining to actual/suspected criminal activity for review by members of the Bureau of Investigations.
- C. The Bureau of Investigations will:
- 1. Assume functional authority for conducting comprehensive investigations of major offenses which are referred to the jurisdiction of the Florida Highway Patrol.
 - 2. Provide investigative assistance as requested by other Division/Department components and other law enforcement agencies.
 - 3. Proactively investigate criminal activities within the State of Florida.
 - 4. Maintain a capability for conducting analysis of criminal activity through examination of the origins, activities, personnel and incidents of crime for purposes of providing tactical and strategic crime related information for all law enforcement agencies.
 - 5. Conduct such other investigation as the Director may require.
 - 6. Fulfill statutory responsibility for initiating and conducting proactive investigations in accordance with legal mandates.
- D. The Office of Professional Compliance will:
- 1. Investigate complaints and initiate investigations of official misconduct at the Director's instruction.
 - 2. For further responsibilities of the Office of Professional Compliance, refer to FHP Policy 8.01, Complaint Resolution Process.

22.01.06 PROCEDURES

Subject to approval of the Director, Troop Commanders may establish procedures to obtain the services of crime scene technicians and investigative specialists for major offenses which are reported to his/her subordinates.